

G. R. S. IX-5]

Resume

Previous references.

Pohle 84-99(1-6)

Chs- 298-14(1-6)

1917-18

(Courts)

File No. 111-17

Serial Nos. 1 to 4

Later references.

Chs- 111-17 all 3-

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 4

Part B for April 1918

SUBJECT.

*Necessity for a European
Magistrate and Justice of the Peace
for the Kolar Gold Fields*

4) To Messrs John Taylor & Sons
No 74103 D 8-4-1918.

Intimates that the present arrangement-
which has been in existence since 1915 is considered
adequate & that Mr Pritchard, as Justice of the Peace
can try cases against European British Subjects-
unless he has taken part in the investigation
in which case, the trial may take place at-
Kolar before a Special Justice of the Peace.

Md Abdul Rahman
13-4-1918 Khen



GENERAL AND REVENUE SECRETARIAT.

(Can5)

NOTES.

File No. 11-17

FILE HEADING.

Necessity for a European Magistrate and Justice of the Peace
for the Kolar Gold Fields

From

No.		Dated		Received	
Diary No.		Enclos.	Spare Copies.	Serial No.	

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

P.T.O.

GEN. & REV. SECRETARY
III
JUDICIAL
10 NOV 1917

REPLY.

(To be written on this margin.)

DIARY No. 71065

1917-1918
SECTION <i>As</i>
FILE No.
SERIAL No.

Paper *fl*
under
Disposal

Office of the Dewan of Mysore.

NOTE.

Dated....9th November.....1917.

Letter dated 6th September 1917 from Messrs. John Taylor & Sons, London, bringing to notice the necessity of having a European magistrate who is also a Justice of the Peace on the Kolar Gold Fields and reply thereto.

2) Forwarded to the Chief Secretary.

3) I shall be glad if the Chief Secretary will furnish me with a note in the matter. The case may then be considered in Council.

A final reply should come within a month. 9.11.17.

The Chief Secretary. *do*

4) *Asst Secy to go for a note by Tuesday a Wednesday next. NSV may also be consulted.*

as 3.30

*not done to date
27.11.17 4291898-99
authorized by Secy
12/11*

10/11/17
5) *Ref. to Secy on 10/11/17*

P.T.O

G. R. S. III-2]

General and Revenue
Secretariat.

c5 File No. (11 of 191).

Serial
No.

6) Note on the necessity of having a European Magistrate who is also a Justice of the Peace on the Kolar Gold Fields.

D
Poli 84-99 (1-6)

7) In connection with the question of arrangements for the better Police Administration of Kolar Gold Fields, the ^xMemo prepared and sent to the Residency by Sir K. Seshadri Iyer on 1st July 1900 contains the statement that "a European Magistrate and Justice of the Peace is already stationed in the Field and this arrangement will continue." The object of this arrangement is apparently to give facilities to (1) European British Subjects (2) and other Europeans and Americans whenever complaints are lodged against them (Vide paragraph 4 of Sir James Bourdillon's D. ^xO. dated 25th March 1905 to the Dewan). Subsequently though in 1905, the posting of Mr. K.R. Sreenivasa Iyengar as a special magistrate agreed to by the Mining Board was ^xobject-
ed to by the Residency, in practice non-European Officers are being posted permanently as Special Magistrates from 1915 without any objection. Further a ^xreference was made to the Govt. of India in April 1915, that as the Special Magistrates appointed in the Kolar Gold Fields are always picked officers of experience and seniority, it would be a convenience if they could also try cases against Europeans and

26 **E**
Stolzenberg
No 155

G
(15299-14-3)

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General and Revenue
Secretariat.

5 File No. 111 of 1917.

Serial
No.

Americans who are not British Subjects, and that the restriction imposed might be relaxed. The Govt. of India agreed to this course, and stated that they had no objection to Americans and non British Europeans being tried by the Special Magistrate when ^{an} ~~in~~ Indian. ⁸⁾ This one of the chief objects for which a European Magistrate was appointed (Vide paragraph 4 of the Residency D.O. dated 25th March 1905) is fulfilled ^{now} by the appointment of a competent and fully qualified Indian Magistrate.

As regards the case of European British Subjects, a Justice of the Peace, (Mr. Pritchard) is already stationed in the Kolar Gold Fields and is competent to deal with all such cases. The exigencies of service are such that it is not possible for the Durbar to post another European Officer to the K.G.F. ~~Where~~ Mr. Pritchard cannot try a case on the ground that he took part as a Police Officer in the investigation, the same can be tried by any of the Justices of the Peace in Bangalore, and having regard to the short distance and railway and other facilities, the inconvenience will be ~~very~~ little or none at all. In cases where it is absolutely inconvenient for the European British Subjects to come to Bangalore either as witnesses or accused, either Mr. Bowring or Mr. Plumer ~~may~~ who are Justices of the Peace may conduct the trial as a special case in the K. G. F. itself.

H
(d- 292-11-4)

Stolzemburg
No 155

It can not be thought to be ^{no use} ~~impossible~~ that a European Magistrate should be posted to try cases against European American citizens not European British Subjects.

G. R. S. III-2]

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Thus in any view no serious inconvenience can be urged by the Mining Board, and trifling and imaginary inconveniences must yield to the exigencies of public service.

Ans. H. S. 111

What is the
European Magte.
on the K. F. - British
Subjects & non British
Subjects -
if we are any
of cases of
in-connection

Chief Secretary)

10) In 1905 the Res^t interpreted the clause in Sir Keshadri Dyer's memo of 1900 as tantamount to a promise to keep a resident European Magte on the K. F. Subsequently such an argument was not advanced. For some years past the Special Magte on the K. F. has been an Indian officer.

11) Under the arrangement approved by the Govt of India in 1915, the Indian Magte can try cases against all Europeans ~~at~~ who are not British Subjects. The existing arrangement is adequate so far as they are concerned.

12) In regard to cases against European British subjects, Mr Pritchard as J.P. may try ^{certain} cases, unless he has taken part in their investigation. It is however unlikely that he can abstain from the investigation of

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General and Revenue
Secretariat.

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No.

of any serious case against a European British Subject. In such cases the trial will have to take place before a J.P. in Bangalore. Such cases are ordinarily likely to be few.

13) The inconvenience of parties witnesses having to travel to Bangalore will be met by permitting in Bowring or in Plummer to try the case at the H.P. itself, the incidental T.A. charges being borne by the State.

14) Such an arrangement may be suggested this will perhaps be quite satisfactory.

Dewan)

CSB

26/11/17

2805-
26-11-17

answering at.

15) Please put up an intermediate reply that the matter is under consideration that as the Dewan has been away it could not be done

of the -

16) Draft Subd.
Aon
7/11/17

2/11

✓ Chief Secretary

17) Issue or reverse

G. R. S. III-2]

General and Revenue
Secretariat.

C5 File No. 111 of 1917.

Serial
No.

3

To Messrs. John Taylor & Sons, London.

no. 72511 of 9.1.18

States that the Govt have the matter
still under their consideration and ^{that} further com-
munication will be sent in due course

18)

Resubmitted after issue.

Am
12/1/18

Chapman

12/15/18

31650
16.1.18

Dewan

19)

may be considered in Council. 15/1/18

The ^{by circulation} report of the C.S. Secy seems to be
a solution - & if approved in Council
may be submitted D.H.H.

20) would keep back if any
European magt is not appointed in
presence of the representative

by
16.1.18

21) C.S.

Circulate.

22) Log in

Done
3.2.18

(For Disposal by Circulation)

No. C. 397

24/1/1918

GENERAL AND REVENUE SECRETARIAT.

COUNCIL MATTER.

SUBJECT.

23)

Question of posting a European Magistrate for the Kolar Gold Fields.

24)

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

C. Balasundaram
Chief Secretary to Government.

23rd January 1918

H.H. the

Extraordinary Member of Council.

Draw
3.2.18.

First Member of Council.

Second Member of Council.

opinion received

25) *Ans was in*
Please put up a draft-reply

WD 2670-GPB-1,000-11-5-17

4/7/87

G. R. S. III-2,

General and Revenue
Secretariat.

to File No. 111 of 1917.

Serial
No.

26)

Subd with a draft.

Assd
11/2

8
11/2

Chief Secretary

27) Put up D.F.N. for 18 member approval

28/2/18

Dr. S. N.

Subd with D.F.N.
1/3

28) for favour of approval

8
4/3

List-Member

29) affs
well

2/3

2966
4.3

Fair trial note signed by 18 member
is put up.

M

4/3/18

30) D.F.N. is submitted.

Diwan

48
5/3/18

4666
5/3/18

Submitted to His Highness.

—
I submit herewith a Final Note by the...^xFirst...

Member of Council on the subject of...having a European
Magistrate who is also a Justice of the Peace on the Kolar
Gold Fields.

for His Highness' gracious approval.

M. V. V. V. V.

Dewan.

23^d Apr. 1918

102

Final Note by the First Member of Council

Subject:—

Necessity of having a European Magistrate who is also a Justice of the Peace on the Kolar Gold Fields.

*✓ Paper under
disposal*

In their letter dated 6.9.1917 to the Dewan Messrs John Taylor and Sons, London, brought to notice that the transfer of Mr. P. F. Bowring from Kolar to Bangalore deprived the Kolar Gold Fields of the services of a Justice of the Peace and urged the necessity of having on the Fields a European Magistrate who is also a Justice of the Peace, in view of the principle recognised in 1900 that the employment of a considerable number of Europeans on the Field would render it essential to maintain a European Magistrate there as a means of affording effective and continuous control.

J

*Q,
Poh: 84-99(1-6)*

2. Though in 1905 the Residency interpreted the clause in Sir K. Seshadri Iyer's memo of 1900 namely that "A European Magistrate and Justice of the Peace is already stationed in the Field and this arrangement will continue", as tantamount to a promise to keep a resident European Magistrate on the Kolar Gold Fields, such an argument was not advanced subsequently, and for some years past the special Magistrate on the Fields has been an Indian Officer.

*SA
(26-299-14-4)*

3. Under the arrangement approved of by the Government of India in 1915 the Indian Magistrate can try cases against all Europeans who are not British subjects and this arrangement which has been in existence since, is considered adequate for the purpose. In regard to cases against European British

W

subjects, Mr.S.M.Pritchard, Superintendent of Police, can as Justice of the Peace, try those in the investigation of which he has not taken part. The others, viz., those in which he has taken part during investigation, are ordinarily likely to be few and may be tried by the other Justices of the Peace in Bangalore- Mr.Plumer or Mr.Bowring -, the inconvenience of parties and witnesses in having to travel to Bangalore being met by permitting the trial to take place at the Kolar Gold Fields itself and paying the incidental T.A. charges from State Funds.

4. Such an arrangement is expected to be quite satisfactory and it is proposed to suggest the same to Messrs. John Taylor & Sons.

5. The proposal is agreed to by the Members of Council and a draft^x reply put up accordingly.

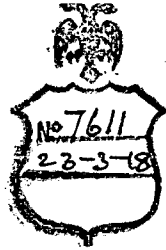
*Pages 7, 8 of office
notes
Draft for approval*

W. H. A. A. A. A.

First Member of Council

Record of Cases submitted for the Orders
of His Highness the Maharaja

Subject.



Question of having a European
Magistrate who is also a Justice of the
Peace on the Kolar Gold Fields.

1086

With Do letter No 271 dated
26.3.1918.

Order.

KRM

25/3/18

*Drawn
W. C. S. F.*

*H.
1.4.18.*

General and Revenue
Secretariat.

File No. 111

of 1917

75242

Do No 271

See one file with one draft

THE PALACE,
BANGALORE.

26th March 1918.

Chief Secretary

28-3-18

My dear Sir,

In returning herewith the File relating to the Posting of a European Magistrate for the Kolar Gold Fields, I am directed to say that the draft Government Order requires slight modifications

A copy of the same revised accordingly and approved by His Highness is herein enclosed.

Yours sincerely,

Sir M. Visvesvaraya, K.C.I.E.,

Dewan of Mysore,

Bangalore.

Serial
No.

4

To.

Messrs John Tayler & Sons. no. 94103 D. 8. 4. 18

Intimates that the present arrangement which has been in existence since 1915 is considered adequate & that Mr. Pritchard, as Justice of the Peace, can try cases against European British Subjects unless he has taken part in the investigation in which case, the trial may take place at Kolar before a special Justice of the Peace.

J 1065.

cts 111-17
sl no. 1

JOHN TAYLOR & SONS.

TELEGRAPHIC ADDRESS,
"ROLYAT, LONDON."

TELEPHONE, CITY 4214.

ROBERT TAYLOR
EDGAR TAYLOR
HENRY CLAUDE TAYLOR
ARTHUR ENFIELD TAYLOR

6, Queen Street Place,
London, 6th. September 1917.
E.C.

Sir M. Visvesvaraya, K.C.I.E.

Dewan of Mysore,

Bangalore.

Dear Sir,

The issue of the "Mysore Gazette" of the 14th. June 1917 has been brought to our notice in which it is directed that Mr. P.F. Bowring then Deputy Commissioner of Kolar, be transferred to Banagalore, his place being taken by Mr. A. Subramanya Iyer, B.A.

The effect of this change will be to deprive the Kolar Gold Fields of the services of a Magistrate who is also a J.P. It is true that Mr. Sidney M. Pritchard, a J.P., remains there as Superintendent of Police, but it is obvious that he cannot act in a dual capacity, and it may be impossible for him to depute in every instance, the Police investigation to a subordinate. Consequently, it is conceivable that a criminal charge against a European may at any time be prejudiced by the absence of adequate magisterial facilities for dealing with the case.

We hope you will recognize, that it is entirely contrary to our practice, to comment upon administrative arrangements which your Government may consider desirable, and that it is unnecessary to offer ^{an} assurance that in venturing to address you in this matter, we are actuated by no desire other than of furthering those public interests which we are well aware you are striving to promote. It seems however reasonable to point out that considerable inconvenience may result in consequence of the arrangement above alluded to.

The desirability that in all criminal cases affecting Europeans, there should be prompt and efficient magisterial action, will not we believe, be questioned. Additionally, we may point out, that when the scheme for the improved Police and magisterial administration of the Gold Fields tract was inaugurated in 1900, it was clearly recognized that the employment of a considerable number of Europeans, within a limited area, would render it essential to maintain the appointment on the Fields of an European Magistrate as a means of providing effective and continuous control.

We regard with some apprehension the disturbance of what is an integral part of the measures then introduced, and which have, owing to the enlightened administration of the Mysore Government, worked so successfully.

May we therefore ask that the proposals involved in

the transfer of Mr. Bowring be reconsidered, and if this gentleman cannot be spared from Bangalore to resume his former appointment, the services of some other qualified European Magistrate and J.P. may be made available for this important work on the Gold Fields.

We have the honor to remain,

Yours faithfully,

John Taylor & Co

Issued
9.11.17

To

Messrs. John Taylor & Sons,
6, Queen Street Place,
London, E.C.

Gentlemen,

I am in receipt of your letter of the 6th September urging the necessity ~~of~~ posting a European Magistrate for the Kolar Gold Fields. The subject will receive careful consideration at the hands of Government and a reply will be sent to you in due course.

Yours sincerely,

9.11.17.

Du

Dewan.

Pol ~~609~~
J2511 D-8 18 (19)
To

Messrs. John Taylor & Sons,

6, Queen Street Place,

London, E.C.

Gentlemen,

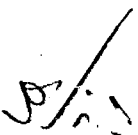
In continuation of
the Dewan's letter ~~dated~~^{of} the
9th Nov^r 1917 regarding the
posting of a European Magistrate
for the Kolar gold fields,

I am directed to state that
your Govt have the matter still
under their consideration ^{and}
I shall communicate with you
~~they will try to arrive~~
further in due course.
~~at a decision as early as~~
possible.

I have etc



Chief Secretary.



Revised Draft

To

No. J 4103 of 8.4.18
Ct 111-17-4
Messrs. John Taylor & Sons.,

6, Queen Street Place,

London, E.C.

Gentlemen,

In continuation of my letter No. J. 2511 of the 9th January 1918, regarding the posting of a European Magistrate for the Kolar Gold Fields, I am directed to state that under the arrangement approved by the Government of India in 1915, the Special Magistrate on the Fields can try cases against all Europeans who are not British subjects, - an arrangement which has been in existence since and is considered adequate for the purpose. In regard to cases against European British subjects, Mr. S.M. Pritchard as Justice of the Peace may try them, unless he has taken part in their investigation. In cases of the latter kind, which are ordinarily likely to be few, the trial may still take place at Kolar before a Special Justice of the Peace deputed to try the case. The inconvenience of parties and witnesses in having to travel to Bangalore will ^{thus} ~~be~~ be met by permitting the Justice of the Peace at Bangalore to try such cases at the Kolar Gold Fields, the incidental T.A. charges being borne by the State. I am to say that such an arrangement appears to the Government to be a satisfactory solution of the difficulty which you complain of and I am to express the

Sy M. C. S. Balasundaram

62/41